

Little Traverse Bay Bands of Odawa Indians
Zoning Board of Appeals
7500 Odawa Circle, Harbor Springs, MI 49740

1st Quarter Report 2018

Board Members

President - vacant

Secretary— Michele Portman-LaCount

Vice-President - vacant

- a) The Zoning Board of Appeals has not functioned since the resignation of Board President Frank Ettawageshik *and* for the reasons listed below. Therefore, this Report is being submitted as a minority report for the following reasons:

RE: 2009-007 Land Use, Building Regulation, and Zoning Statute

SECTION IX ZONING BOARD OF APPEALS

- A. Zoning Board of Appeals Established. A Zoning Board of Appeals (“Board”) is hereby created. The Board shall adopt policies to carry out its duties under this Statute, subject to Tribal Council approval. The Board shall meet twice a year in regular meetings and additionally if necessary within 15 days of receiving any request for action by the Board.

****On September 29, 2016 the Zoning Board of Appeals passed the Zoning Board of Appeals Policy and Procedures and on October 3, 2016 the Executive signed them. However, Tribal Council has not approved the policy in accordance with 2009-007. Therefore, the Board is without approved Policy.***

- B. Appointments, Term, Nepotism and Conflict

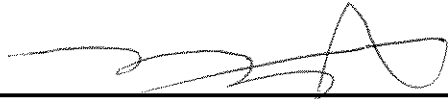
1. The Board shall consist of three (3) members nominated by the Executive and confirmed by the Tribal Council. To be eligible for appointment a person must be a Tribal Citizen who is at least eighteen (18) years of age and has read all Tribal zoning laws, regulations, policies and procedures. The Board members shall serve three year terms with initial appointments being one member for one year, a second member for two years, and a third for three years to provide for staggered terms.

****The remaining Board member has concern regarding the intent of 2009-007 Land Use, Building Regulation, and Zoning Statute Sub-Section B: “The Board shall consist of Three (3) members...”; it is believed by this Board member that the use of the word “shall” is of mandatory meaning as defined when used in laws, regulations, or directives to express what is mandatory. Therefore, this Board is a minority Board subject to a lack of quorum.***

Little Traverse Bay Bands of Odawa Indians
Zoning Board of Appeals
7500 Odawa Circle, Harbor Springs, MI 49740

- b) The last meeting was held December 14, 2017 and the minutes of that meeting were submitted to the Executive thereafter.
- d) Next Zoning Board meeting TBD.

Respectfully,



Michele Portman-LaCount, Secretary

5.9.18

Date